

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSH DONLEY,

Plaintiff,

v.

SUSAN BRAIN, et al.,

Defendants.

CV-10-5043-CI

JUDGMENT

DECISION BY THE COURT:

This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED that the Report and Recommendation (ECF No. 97) is **MODIFIED AND ADOPTED IN PART**. Defendants' Motions to Dismiss (ECF Nos. 45 & 52) are **DENIED**. Defendants' Motions for Summary Judgment (ECF Nos. 47 & 53) are **GRANTED**. Judgment is entered in Defendants' favor **WITH PREJUDICE**.

DATED: August 26, 2011

JAMES R. LARSEN
District Court Executive/Clerk

s/ L. Stejskal, Deputy Clerk